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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

13 CR 811 (ALC)

5 GUILLERMO ARAUJO,

6 Defendant.

7 -----x
8 New York, N.Y.
9 April 14, 2015
4:19 p.m.

10 Before:

11 HON. ANDREW L. CARTER, JR.

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
Southern District of New York

17 JASON MASIMORE

Assistant United States Attorney

18 DAVIS POLK & WARDWELL

Attorneys for Defendant

19 MARTINE M. BEAMON

20 RACHELLE NAVARRO

JAMIE BAGLIEBTER

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(In open court; case called)

MR. MASIMORE: Good afternoon, your Honor.

Jason Masimore for the government. With me is probation officer Emily Frankelis.

MS. BEAMON: Martine Beamon, Rachelle Navarro and Jamie Bagliebter of Davis Polk for Mr. Araujo.

THE COURT: Good afternoon.

Good afternoon, Mr. Araujo.

THE DEFENDANT: Good afternoon, sir.

THE COURT: In preparation for today's sentencing I've reviewed the presentence report and submissions by defense counsel.

I don't believe I have a submission from the government.

Is there anything else that I should have?

MR. MASIMORE: No. That's correct, your Honor.

MS. BEAMON: Your Honor, I just received one additional letter from the family. It's from Mr. Araujo's mother. May I hand it up to the Court? I have reviewed it with the government.

THE COURT: Counsel for the government has a copy as well?

MR. MASIMORE: I have seen a copy.

MS. BEAMON: Thank you, your Honor. And my apologies.

THE COURT: Just one moment.

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(Pause)

Thank you. I believe I've already done this but to the extent that I haven't, so the record is complete, I accept his guilty plea.

Counsel for the defense, have you read the presentence report and reviewed it with your client?

MS. BEAMON: We have, your Honor.

THE COURT: Mr. Araujo, have you had the opportunity to see the presentence report and let your attorney know about anything that should be corrected in there?

THE DEFENDANT: Yes, your Honor.

THE COURT: Counsel for the government, have you reviewed the presentence report?

MR. MASIMORE: I have, your Honor.

THE COURT: I haven't seen any objections to anything in the presentence report by the defense or the government.

Are there any objections to the presentence report or anything in the presentence report by the government or the defense?

MS. BEAMON: Your Honor, as an addendum to our letter in connection with the sentencing we attached a letter that we sent to the probation office after we received the probation office's recommendation. It relates not to the acceptance of the full scope of the conspiracy but the number of burglaries in which Mr. Araujo is specifically alleged to have

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1 participated in.

2 In truth, your Honor, I think that it's beside the
3 point in the sense that Mr. Araujo has accepted responsibility
4 fully for the full scope of the conspiracy. But we just wanted
5 to be clear with the probation department -- we hadn't objected
6 to any of the facts. We just wanted to make clear what our
7 agreement was with the government.

8 So I think there is nothing more that your Honor has
9 to do, and Ms. Frankelis has responded and has not changed her
10 recommendation. So I don't think that there's anything further
11 that your Honor needs to take up.

12 THE COURT: Thank you. Government anything to add on
13 that?

14 MR. MASIMORE: No, your Honor. I'm happy to answer
15 any questions if the Court has any.

16 THE COURT: Although I'm no longer required to adhere
17 strictly to the Sentencing Guidelines it's still necessary for
18 me to determine the appropriate guideline range. I have looked
19 at the presentence report. I've done my own guideline
20 calculation. And I am going to adopt the guideline calculation
21 set forth in the presentence report. I don't believe there are
22 any objections to that. But I want to just confirm that for
23 the record.

24 Is there any objection to the guideline calculation as
25 set forth in the presentence report by the defense?

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1 MS. BEAMON: No, your Honor. We arrived at the plea
2 agreement -- at it from a different mechanism, but we don't
3 object to the calculation in the PSR.

4 THE COURT: By the government?

5 MR. MASIMORE: I have the same response as the
6 defense. No objection.

7 THE COURT: So, based on my own evaluation of the
8 guideline range and also based on the lack of any objection by
9 the government or the defense, I find that the guideline total
10 offense level is 27, Criminal History Category III, which has a
11 guideline range of 87 to 108 months.

12 This is the point in which I generally want to hear
13 from both sides regarding any issue they wish to raise
14 regarding sentencing. But there is something that the defense
15 has pointed out in their submission that I'd like the parties
16 to address, and it may be necessary to adjourn the sentence to
17 give the parties some more time to address that and to give me
18 total clarification on these issues. So let me just tell the
19 parties what I think I need further elucidation on.

20 The defense has raised the issue of Mr. Araujo's state
21 sentences for conduct that is related to the conduct charged
22 here in federal court, and has made certain requests and
23 assertions regarding the amount of time that he should get
24 credit for or might get credit for. And there is a request
25 that I run the sentence here, whatever that sentence is going

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1 to be, concurrent with the undischarged term of custody that he
2 still needs to serve in state court.

3 Let me tell the parties what my initial thinking is on
4 that. I have not yet decided what the sentence should be in
5 this case. But my inclination is that whatever that sentence
6 is or will be he should not end up doing more time as a result
7 of being picked up by the state earlier for conduct that is
8 clearly relevant to the conduct here. That is what the
9 guidelines advise me to do. And I think that that's
10 appropriate in this case as well.

11 So I want to get a clearer sense from the parties
12 regarding that. My understanding is, based on the defense
13 submission, is that there are two prior state convictions for
14 burglaries that are related to this case. And on one of those
15 cases in the state he was sentenced to a term of, I believe, 18
16 months. And that sentence has been complete. On the other one
17 he was sentenced to a term of 3 to 6 years, had served 10
18 months, was released, was on parole or on supervision, violated
19 a term of supervision, was told to complete drug treatment and
20 in the midst of that drug treatment was picked up by federal
21 authorities and brought over on a writ here.

22 Is that a fair assessment of what's going on here?

23 MS. BEAMON: That's all correct, your Honor.

24 THE COURT: And the government, is that correct?

25 MR. MASIMORE: That's our understanding as well.

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1 THE COURT: The defense wants me to, as I understand
2 it, give him credit for the 18 months that he has already
3 served in state custody because since that sentence has been
4 fully discharged he will not get credit for that sentence here,
5 but maybe that's where I'm mistaking what the defense's
6 position is. Can I get some further elucidation from the
7 defense on that.

8 MS. BEAMON: Certainly, your Honor. So there -- as
9 your Honor points out, there are two -- I consider them to be
10 two categories. First, the sentences that he previously
11 served. Just in state custody. No involvement by the federal
12 court. And then the time that he has been in custody on the
13 writ. And that's about 17 months, your Honor, rather than 19.

14 It's our understanding, through some kind of arcane
15 counting mechanism, that Mr. Araujo does not get credit in
16 federal custody for the time that he has spent in federal
17 custody on the writ. And so one category that we request -- we
18 understand that it is a common solution in this courthouse and
19 across the street -- is that when someone hasn't been in on a
20 writ, into federal custody, that the Court has -- often gives
21 credit for that time so that they are not -- so that the
22 defendant is not losing that time essentially.

23 It's particularly an acute situation here because the
24 state sentence from which he was writted on would have been
25 satisfied some time ago, probably within a month of -- two

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1 months of arriving in federal custody, because he was just
2 completing that program. He had been asked to complete a
3 particular program. So it's particularly acute here, that he's
4 in on the writ from federal custody and doing time that he
5 wouldn't have had to do in the state.

6 THE COURT: So, again, I just want to make sure that
7 I'm clear. Because it sounds like there's three different time
8 periods that we're talking about. There's the 18 months for a
9 prior sentence. There's the 10 months for an earlier sentence.
10 And then there's the 17 months on the time that he's been here
11 on the writ.

12 MS. BEAMON: That's a better way to think of it, your
13 Honor, you're right.

14 THE COURT: And my understanding is that the defense
15 wants me to run whatever this sentence will be concurrent with
16 the undischarged term of the state sentence; is that correct?

17 MS. BEAMON: That's correct, your Honor. And I have
18 to say that that's a belt and suspenders request, your Honor,
19 to be sure that there will be no further double counting. So
20 we're requesting the credit and then that prospectively any
21 sentence be served -- that this sentence be served concurrently
22 with any undischarged state sentence.

23 THE COURT: That's what I guess I'd like to get some
24 further information on. Because what I'm concerned about -- an
25 again the guidelines suggest that there should be one

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1 overarching term of custody for this relevant conduct. And I
2 agree with that in this case.

3 What I'm concerned about is if I reduce his sentence
4 here by 17 months to give him credit for time that he would not
5 be receiving otherwise. And if I give him credit for the 18
6 months, which it seems more clear to me that he would not get
7 credit for that, it would be impossible for me to run a
8 sentence concurrent with a sentence that's already been served.

9 MS. BEAMON: That's correct.

10 THE COURT: Then there's the issue of the ten months
11 and the issue of the undischarged term. And I'm not clear from
12 what the defense has submitted -- and I'm not sure the defense
13 knows -- how much more time he needs to serve in state custody.
14 I'm not sure if there's a conditional release date. And what
15 I'm concerned about is even if I were to say I am going to run
16 this sentence concurrent with the undischarged term of the
17 state sentence there is no guarantee that that would actually
18 be effective because if the Bureau of Prisons does not give
19 him -- my saying that doesn't require the Bureau of Prisons to
20 give him credit for that time. I don't believe so. That's
21 what I'm concerned about. And it may be -- that's what I'm
22 concerned about. I think I need more information about when
23 his conditional release date and the like is.

24 MS. BEAMON: Sure. Your Honor my colleague Rachelle
25 Navarro is here at counsel table, has spent hours on the phone

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1 with New York state authorities as well to make sure that we
2 have this all correct. I can tell you that what Mr. Araujo was
3 facing at the time that he was writted here was an additional
4 one month incarceration at Willard where he was doing further
5 drug treatment. That was the extent of what had been ordered
6 at the time, your Honor, with respect to his parole issue.
7 It's not technically revocation. That's why I'm calling it
8 parole issue. So he would have been discharged one month after
9 he had come into federal custody had he had not come and had
10 there been no further issues.

11 We understand that his maximum release date or the
12 maximum period during which he can be subject to parole is
13 March of 2018, your Honor. So that is three years from now,
14 approximately, a little less than three years from now.

15 But I'm not sure that answers all of your Honor's
16 questions. I think that perhaps one of the things your Honor
17 is asking is -- what we do know -- let me say what we do know
18 and make us sure that I understand your Honor's questions.

19 So with respect to the past offenses, I think your
20 Honor is correct past offenses -- past sentences served in the
21 state, your Honor is correct, that time was done. There's
22 nothing more to run concurrently.

23 With respect to the 17 months that he has spent in
24 custody now, the first issue is has he been -- is he being
25 credited in federal custody for that time? And we think the

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1 only way for him to be credited in federal custody is for your
2 Honor to credit him on the sentence.

3 With respect to that same amount of time on the state
4 side, I think the answer is we do not know for certain that it
5 will be credited to him on the state side, even though it's
6 running in the state, it is conceivable that he will have to go
7 back to Willard and serve another month, although we will
8 pursue with the state authorities whether we can get them to
9 credit his federal time so that he does not have to return to
10 Willard and finish out a sentence, and that any additional time
11 that could be -- for which his parole could be revoked, to the
12 extent that that's going -- on a going forward basis, that if
13 your Honor runs the federal sentence concurrent with that state
14 time, that that will cover the remainder of his parole, his
15 period on parole.

16 Conferring with my colleague. Did I get that all
17 right? I'm getting a nod, your Honor.

18 THE COURT: What I want to be clear about is I want to
19 make sure there is no double counting either way. If I give
20 him credit off of this sentence -- if I subtract 17 months from
21 this sentence then there is no issue in terms of that 17 months
22 being concurrent with anything. He will have received credit
23 for that.

24 MS. BEAMON: That is correct, your Honor.

25 I guess -- it would not be a double count, your Honor.

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1 But while he was here -- conceivably the state could say that
2 with respect to that one additional month that he was to serve
3 at Willard, that he might get credit for that month while he
4 was in federal custody, since your Honor is crediting him.

5 THE COURT: I guess -- I'm not as concerned with what
6 the state does in terms of the state trying to run something
7 concurrent in terms of that month there or not.

8 MS. BEAMON: Yes.

9 THE COURT: My sense is that it's clearer under New
10 York State's corrections law that the state can run their
11 sentences concurrent with the federal sentences in a much more
12 efficient manner. That's not quite what my concern is.

13 My concern is assuming I reduce his sentence by 17
14 months which then eliminates in terms of federally this issue
15 of concurrent time for that 17 months, in terms of him doing an
16 additional 17 months that he wouldn't have to do.

17 MS. BEAMON: Yes.

18 THE COURT: By giving him credit for those 17 months,
19 that takes care of that issue.

20 In terms of assuming that the sentence that I impose
21 is greater than 17 months, whatever additional sentence is
22 imposed, the fact that I announce that I want that to run
23 concurrent with a state sentence, I'm not sure that the Bureau
24 of Prisons is bound by that. I'm not sure where he will be a
25 prisoner. It seems that -- my sense is right now, and that's

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1 why I'd like some further information from the parties, my
2 sense is he's a state prisoner right now. And if I run this
3 federal sentence concurrent with this other sentence and he's
4 still technically in state custody, I'm not sure if that's
5 going to effectuate what we're all trying to -- or at least
6 what I am trying to accomplish. I guess I shouldn't say what
7 we are all trying to accomplish, but what the guidelines tell
8 me I should try to do.

9 It certainly is possible that there are other
10 solutions. It certainly may be that it's more appropriate to
11 reduce the sentence some other way and run this sentence
12 consecutive and just make sure that there is a total sentence
13 of whatever it is that I find to be appropriate will be served.
14 But I want to make sure that there is no situation in which I
15 am intending to run something federally concurrent with a state
16 sentence that is not actually going to be effective. So I
17 think my sense is we may need to adjourn this so that I can get
18 some more information.

19 You're talking about his maximum expiration date.
20 Again, what I'm concerned about is giving him too much credit.
21 Right. His maximum expiration date is not the same as his
22 conditional release date. If the maximum expiration date is
23 essentially three years from now and if I were to give him
24 credit for all of that time, then I'm giving him essentially
25 perhaps too much credit if his conditional release date is a

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1 month from now or eight months from now. So I want to make
2 sure that I'm doing everything appropriately and not giving him
3 too little credit but also not giving him too much credit for
4 that as well. So I think it's important for me to have not
5 just the maximum expiration date but the conditional release
6 date and get a further sense from the state as to what's going
7 on and what potentially might go on.

8 MS. BEAMON: May I have one moment, your Honor?

9 THE COURT: Yes.

10 (Pause)

11 MS. BEAMON: So, your Honor, one thing that we don't
12 have a precise date on despite hours on the phone with BOP in
13 the state is a precise conditional release date. So we'd be
14 happy to get that for your Honor.

15 My colleague is noting that one possibility, and
16 perhaps your Honor would still like briefing, but I'll just
17 mention it, but one possibility that we have mentioned in our
18 sentencing letter is that if Mr. Araujo were returned to
19 Willard to serve out his time, then we would have a fixed end
20 date for his state time and then he could be sentenced and your
21 Honor would have the full benefit of the knowledge with respect
22 to his state custody.

23 But if your Honor would like, we can explore all of
24 this, put it in a letter, we can work with the government to
25 make sure that we're all on the same page precisely on that and

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1 then we can further brief it for your Honor.

2 THE COURT: And how would that be accomplished? That
3 sounds like that would be something that would require the
4 government to indicate that the writ was potentially satisfied
5 and then re-writ him back here.

6 MS. BEAMON: I think that's right, your Honor. I
7 think they'd have to put -- they'd have to put a hold -- they'd
8 have to release -- say the writ is satisfied and then they'd
9 have to put another hold on him so that when he's released from
10 state custody that he's marked released into the public and
11 then he will be brought back into federal custody.

12 THE COURT: Does the government have any position on
13 that?

14 MR. MASIMORE: I'm certainly willing to explore that
15 possibility. It seems to make sense that if there's just
16 approximately 30 days left on a state sentence to send him back
17 to fulfill, that sort of takes care of that issue and it seems
18 like it would make it easier for the Court to arrive at a
19 sentence that achieves what the Court is trying to do. I can
20 look into the mechanical requirements that I have to do,
21 whether I say it's satisfied, whether I say it's on hold.

22 I guess the other thing we would have to look into is
23 what we would need in place, whether we would need -- what we
24 would need in place to make sure that at the end of his term at
25 Willard he's not released but is brought back to our custody.

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1 Sounds like we would have a little time to work that out.

2 Maybe we could figure that out.

3 THE COURT: So why don't we do this. A couple of
4 things. Obviously we're going to need to adjourn the sentence
5 so that I can get this information and/or so that the parties
6 can perhaps work amongst themselves. I'm certainly willing to
7 go along with that if that's something the government and the
8 defense wish to do. I'll go along with that and he can go back
9 to state -- to the state and figure out what's going to happen
10 with his state sentence and then we can come back here. I'm
11 certainly willing to do that.

12 The other thing I would like to do, though, is that it
13 seems there are many family members and friends here in the
14 audience. I know this case was originally scheduled for
15 sentencing yesterday. There was some mixup and Mr. Araujo
16 wasn't produced. I will give the defense an opportunity, if
17 they like -- you don't have to -- to call one of those family
18 members to address me if they'd like to do that and we can do
19 that now while the family members are here because I'm not
20 sure -- they've obviously taken time out of their day. I'm not
21 sure if they will be able to make it here the next day,
22 whenever that is going to be.

23 Is the defense interested in doing anything like that?

24 MS. BEAMON: We are, your Honor.

25 I just note for the record, so that your Honor has the

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1 numbers. There are eleven of Mr. Araujo's friends and family
2 members present here today. There were an additional four
3 individuals who were here yesterday for the sentencing who
4 could not be here today; so, fifteen in total. And I believe
5 that it is Mr. Araujo's sister, Julie, who would like to speak
6 to the Court briefly.

7 THE COURT: So let's have her come into the witness
8 stand.

9 JULIE AQUINO,

10 called as a witness by the Defendant,

11 having been duly sworn, testified as follows:

12 THE COURT: Speak into the microphone so we can hear
13 you.

14 Do you have any questions for this witness, counsel.

15 MS. BEAMON: I think that Ms. Aquino just wanted to
16 make a brief statement, your Honor, on behalf of the family.

17 THE COURT: Okay.

18 THE WITNESS: Good afternoon, your Honor. My name --

19 THE COURT: Please speak into the microphone.

20 THE WITNESS: Good afternoon, your Honor.

21 My name is Julie Aquino. I'm Guillermo Araujo's
22 sister.

23 Today in the audience is his mother, Teresa Aquino.
24 His dad, Guillermo Araujo. His son, Guillermo Araujo, Jr.
25 He's three years old. His niece, Kilsy Polanco. His

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1 girlfriend, Yocania Rosario. The mother of his child, Michele
2 Guzman. Kimberly, Cynthia, and Katherine, his friends. And
3 Elizabeth Baptista is the grandmother of his child. And Africa
4 Dominguez, she's a friend.

5 So today, in these 18 months I want -- I know my
6 brother Guillermo has made a mistake. In these 18 months, I
7 have seen a great change in him. I'm proud of him. He knows
8 what he's done has been wrong. And we are here a hundred
9 percent to support him and guide him through the correct path.
10 And his son is here too, misses him and prays everyday in
11 church for his return home. And I'm just here to say that we
12 love him. We miss him. And as his family we're going to help
13 him, guide and go through this. And when he comes home we are
14 going to show him to continue going through the correct path so
15 he will not commit this again.

16 THE COURT: Thank you. Counsel for the government do
17 you have any questions?

18 MR. MASIMORE: No questions, your Honor.

19 MS. BEAMON: Thank you, your Honor.

20 Thank you, Julie.

21 THE WITNESS: You're welcome.

22 THE COURT: I would like to thank all the members of
23 the family for being here and showing your support today and
24 I'd like to thank everyone for submitting all of those letters
25 that are very helpful for me in making this difficult decision.

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1 So I thank you for all of that. Thank you for your support of
2 Mr. Araujo. And thank you in advance for your continued
3 support for him.

4 So, again, I think it's appropriate to adjourn this
5 matter and we'll deal with the rest of the sentencing issues
6 later. But let's go ahead and adjourn this matter.

7 Yes, counsel.

8 MR. MASIMORE: Your Honor, may I make one additional
9 request. We handed up earlier an amended preliminary
10 forfeiture order. The parties have signed it. I think the
11 Court could enter that today and that would be not at
12 cross-purposes with what we're trying to achieve with respect
13 to the length of the sentence.

14 THE COURT: Defense counsel?

15 MS. BEAMON: We don't have any objection to that, your
16 Honor.

17 THE COURT: Okay.

18 I have the amended forfeiture order on consent before
19 me. I will enter that. Is there anything else we need to deal
20 with today?

21 MS. BEAMON: Your Honor, can I just make one more note
22 because we'll explain this at some length in our -- additional
23 submissions to your Honor about the length of time.

24 But your Honor correctly notes that there are
25 essentially three periods that we've been focused on: An

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1 18-month sentence, a 10-month sentence, and then the time he's
2 been here on the writ. I just wanted to make clear, and we'll
3 go into this in more detail. The 18-month sentence in the
4 state was a discharged sentence. The 10-month sentence in the
5 state is an undischarged sentence. From a 3553(a) perspective,
6 your Honor is free to consider both of those sentences in the
7 same manner. But the guidelines actually address discharged
8 and undischarged sentences slightly differently. The effect,
9 your Honor, I don't think is any different. But we can go into
10 that in some greater detail in the sentencing submission. And
11 there's a specific note to the commentary that I'll highlight
12 for your Honor in that regard. But nothing that needs to be
13 done today.

14 THE COURT: So why don't we do this. Counsel for the
15 government has indicated that he's willing to explore the
16 possibilities of allowing Mr. Araujo to return to state custody
17 and figure out what's going on with that parole revocation and
18 that's something that the defense has requested and I'm willing
19 to go along with that.

20 Why don't we do this. Why don't we set a date
21 approximately 30 days from now. But in the interim I'll ask
22 the parties to give me a joint status report in two weeks. And
23 that status report should obviously deal with these issues
24 concerning the writ.

25 It seems as, at least of today, the parties are in

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1 agreement that they'd like to try to effectuate some sort of
2 procedure to make sure that Mr. Araujo can go back into -- more
3 fully into state custody, resolve those issues while still
4 having a hold here federally, so he's not released into the
5 general public after the state case has been totally resolved,
6 and then being brought back here.

7 So how does that sound to the parties as a possible
8 suggestion? We'll have a joint status report in two weeks.
9 We'll set a control date for 30 days or perhaps -- perhaps we
10 don't need a control date. Perhaps we'll just have a joint
11 status report -- no. Let's have a control -- let me just find
12 out. If I set a control date, does counsel for the government
13 know if there is a date on the calendar for Mr. Araujo, is that
14 going to frustrate any -- in terms -- is that going to be
15 somehow frustrating your efforts to say the writ is satisfied
16 if there's a date on the calendar?

17 MR. MASIMORE: I don't think it will. I think it
18 makes sense if we put a date on the calendar. If I find out
19 that this is something we can do and that what is frustrating
20 it is that date, perhaps I can write a letter and ask the Court
21 to take the date off the calendar. I don't see why it would
22 frustrate the effort because I think we sort of have control
23 over that by requesting the writ; otherwise, the state doesn't
24 even know about a date. So I think that would be fine.

25 I would just ask that it be -- the status letter be

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1 due two weeks from Friday, if possible.

2 THE COURT: That's fine. So let's have that due on
3 May 1. And let's set a sentencing date, a control date, let's
4 say, perhaps May 15.

5 MR. MASIMORE: Your Honor, one other thing that
6 occurred to me. Perhaps it may actually help our efforts if
7 the Court were to set a sentencing date somewhat far out
8 because then maybe -- again I have to find out if this is a
9 possibility -- if we mark the writ as satisfied, then there
10 will be this other date that I could then use for another writ,
11 just to give us the most options available.

12 THE COURT: Defense counsel have any position on that?

13 MS. BEAMON: That's fine, your Honor. And then we
14 can -- we might have more clarity in two weeks and then we can
15 always revise as necessary.

16 THE COURT: So let's do that. Why don't we pick a
17 date sometime for the middle or end of July, Tara.

18 THE DEPUTY CLERK: Friday, July 17 at 11:00 a.m.

19 THE COURT: Does that work for everyone?

20 MS. BEAMON: Yes. Your Honor, I presume that if we
21 feel -- we understand that this cannot satisfy the Court's
22 concern, then we can move that up.

23 THE COURT: Yes.

24 Anything else from the government today?

25 MR. MASIMORE: Your Honor, I understand Probation

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Officer Frankelis will not be around on July 17.

THE COURT: Is the following week better for you?

MS. FRANKELIS: Your Honor, I have a preplanned vacation that entire week but the following week I'm available.

THE COURT: Can we do July 24, Tara?

THE DEPUTY CLERK: Yes. At 2:00 p.m.

THE COURT: Does that work for everyone?

MS. BEAMON: That's fine, your Honor.

MR. MASIMORE: Yes, your Honor.

THE COURT: So July 24 at 2:00 p.m.

Anything else from the government today?

MR. MASIMORE: No, your Honor. Thank you.

THE COURT: Anything else from the defense?

MS. BEAMON: No, your Honor. Thank you very much.

THE COURT: So, Mr. Araujo, do you understand what's happening here today? We're adjourning the sentence because I want to get more information about what's going on in the state. Do you understand that?

THE DEFENDANT: Sir, yes, sir. Thank you, your Honor.

THE COURT: All right. Thank you. Everyone have a good day. Thank you, marshals.

(Adjourned)